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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,551	03/26/2001	Thomas G. Feldpausch	FEL07 P-300	9372

277 7590 10/24/2003

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P O BOX 2567  
GRAND RAPIDS, MI 49501

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/817,551

Applicant(s)  
THOMAS FELDPAUSCH ET AL.

Examiner  
YVONNE M. HORTON

Art Unit  
3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-12, 14, 18, 20, and 27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 10-12, 14, 20, and 27 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Withdrawal of Allowable Subject Matter*

1. The indicated allowableness of claim 18 is withdrawn in view of the reference(s) to US Patent #1,666,757 to SNYDER. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #1,666,757. The structure of SNYDER inherently discloses the method of quickly erecting a structure wherein the steps include providing an expandable/collapsible structure (10) including a bottom frame (11,20,26,27,35,41) having a bottom cover (62) forming a geometric shape having sides (S), see the marked attachment; and a top frame (12) including a plurality radially-extending jointed members (50,51,56) and having a cover (61) to thereby form a roof over the bottom frame (11,20,26,27,35,41). The top frame is movable to a collapsed position, see figure 2, wherein the top frame is positioned within the bottom frame. The top frame is comprised of a plurality of a repeating pattern of angled top frame members (50,51) and associated (56) wherein the angled members (50,51) and associated members (56) form a repeating "Y-pattern", colored blue. The top frame (12) is pivoted at (54) with the bottom frame and is pivoted "overcenter" with the angled (50,51) and associated members (56) at (55) such that the angled (50,51) and

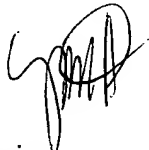
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associated (56) members of the top frame (12) have upper surfaces, see figure 22 that engages and supports the upper cover (61) along its entire length.

*Allowable Subject Matter*

4. Claims 1-7,10-12,14,20 and 27 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH



Patent Examiner

October 20, 2003

April 17, 1928.

1,666,757

H. F. SNYDER

COLLAPSIBLE TENT

Filed May 6, 1925

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FIG. 1

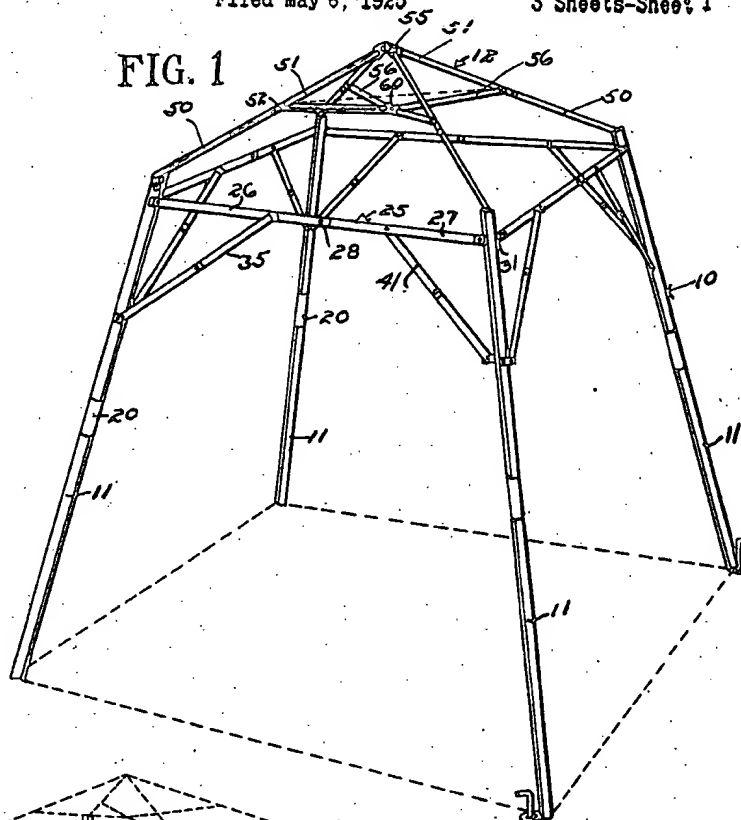
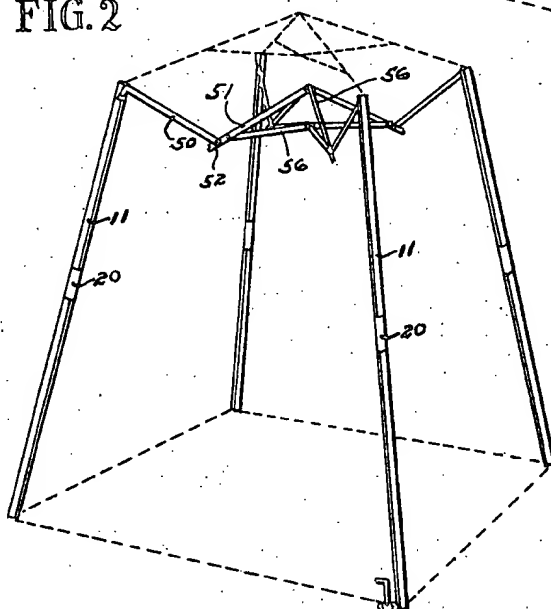


FIG. 2



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ATTORNEY.

April 17, 1928.

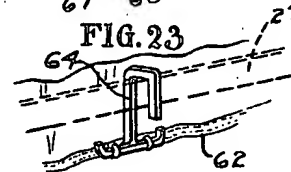
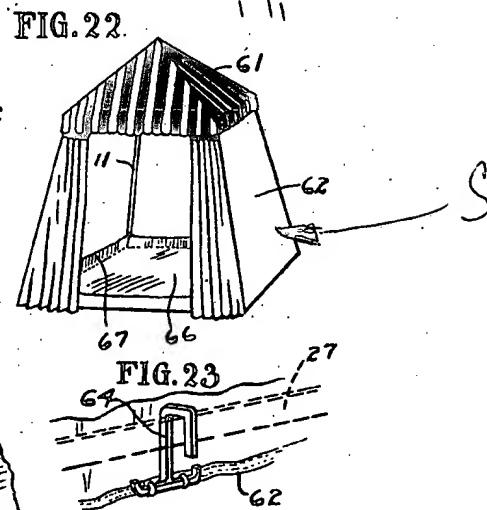
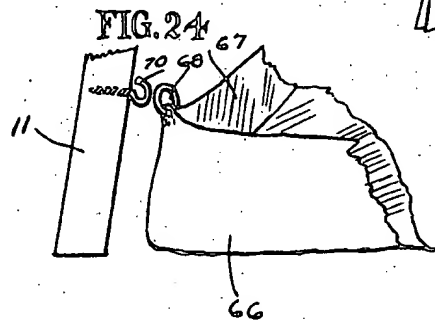
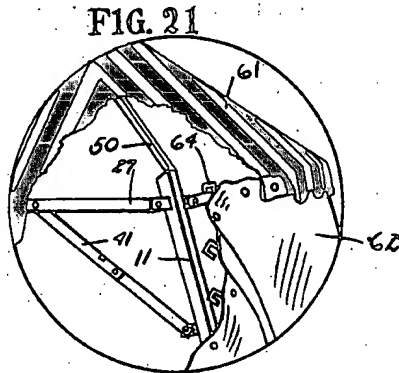
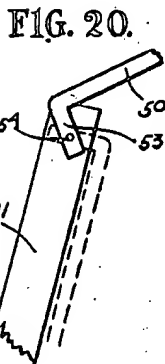
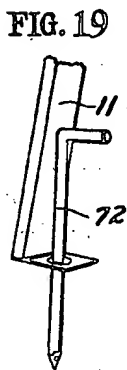
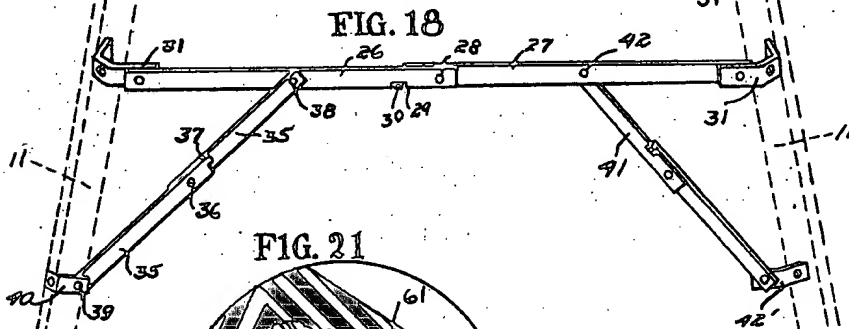
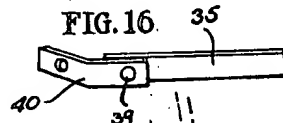
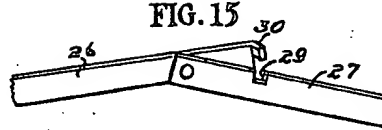
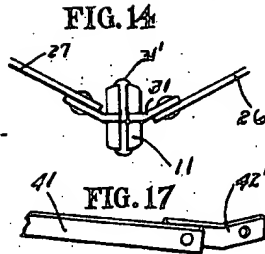
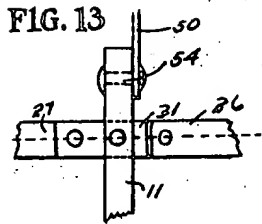
1,666,757

H. F. SNYDER

COLLAPSIBLE TENT

Filed May 6, 1925

3 Sheets-Sheet 3



INVENTOR.  
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